

REMARKS

I. Drawings

The drawings were objected to by the Examiner under 37, C.F.R. 1.83(a). In the Office Action dated February 2, 2004, the Examiner indicated that the drawings must show every feature of the invention specified in the claims. The Examiner argued that the toggle, being a tab lever, pull-to-unlock lever, and a 2-position toggle switch must be shown or the feature(s) cancelled from the claim(s). The Examiner indicated that a proposed drawing correction or corrected drawings are required in reply to the Office Action to avoid abandonment of the application.

The Applicants have therefore amended claims 6-9 and 16-19 so that the tab lever, pull-to-unlock lever, and 2-position toggle switch features are no longer claimed. Such features remain referenced in Applicants' specification. Because such features are no longer actually claimed, however, Applicants submit that a proposed drawing correction or corrected drawings are no longer required in reply to the Office Action. Applicants therefore believe that the objection to the drawings under 37, C.F.R. 1.83(a) has now been traversed. Applicants request withdrawal of said objection.

II. Claims Rejections Under 35 U.S.C. § 112

The Examiner rejected claims 1, 10 and 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. The Examiner indicated that in claim 1, line 6, the phrase "a mounting nut" should be replaced with -- the mount nut --. The Examiner further asserted that in claim 10, line 8, the phrase "a mounting nut" should be replaced with -- the mounting nut --. Additionally, the Examiner indicated that in claim 11, line 6, the phrase "a mounting nut" should also be replaced with -- the mounting nut --. Applicants have therefore

amended claims 1, 10, and 11 so that "a mounting nut" is now properly referred to as "said mounting nut", which is consistent with the Examiner's suggested change to "the mounting nut" (i.e., "said" is equivalent "the"). Applicants submit that the rejection to claims 1, 10 and 11 under 35 U.S.C. § 112, second paragraph, has now been traversed. Applicants respectfully request the withdrawal of said rejection to claims 1, 10 and 11.

III. Double Patenting

The Examiner indicated that claims 1-20 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 42-49 of co-pending U.S. patent application Serial No. 10/326,507. The Examiner indicated that although the conflicting claims are not identical, they are not patentably distinct from each other because while different language is utilized and there are additional features claims such as a switch cover having a plate and the bushing of the claimed invention, all of the claimed features of the present application are located within claims 42-49 of U.S. patent application Serial No. 10/326,507 and would inherently provide the method. The Examiner therefore argued that this is a provisional obviousness-type double patenting rejection because the conflicting claims have not in face been patented.

In the Office Action dated February 2, 2004, the Examiner noted that a timely filed terminal disclaimer in compliance with 37 C.F.R. 1.321 (c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflict application or patent is shown to be commonly owned with this application. Applicants are therefore including with this Response/Amendment, a document entitled "Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection Over a Pending Second Application," along with the appropriate fee.

VIII. Conclusion

The Applicants have amended the specification and claims to more particularly disclose the invention claimed thereof. It is believed that such amendments do not constitute new matter, but are rather clarifying in nature. Additionally, it is believed that support for such amendments is provided within the specification, including the drawings, and that the specification adequately enables such amendments. In view of the foregoing discussion, the Applicant has responded to each and every rejection of the Official Action, and respectfully request that a timely Notice of Allowance be issued.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application.

Respectfully submitted,



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